

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Jonathan Lewis,

Plaintiff,

v.

State of Nevada, *et al.*,

Defendants.

Case No. 3:23-cv-00469-ART-CSD

ORDER

I. DISCUSSION

On September 20, 2023, Plaintiff, then a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) On October 4, 2024, this Court issued a screening order and stayed the case to give the parties an opportunity to settle their dispute. (ECF No. 7.) The order dated December 18, 2024, setting the Inmate Early Mediation Conference was served on Plaintiff at Northern Nevada Correctional Center, his address of record, but was returned as undeliverable with the notation that Plaintiff was deceased. (See ECF Nos. 11, 12, 13.)¹ On January 15, 2025, Defendants filed a suggestion of death on the record. (ECF No. 15.)

Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for

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https://doc.nv.gov/uploadedFiles/docnvgov/content/About/Press_Release/Death%20Jonathan%20Lewis%201154344.pdf.

1 substitution within 90 days of the date of this order, the Court will dismiss the
2 case.

3 Finally, the Nevada Department of Corrections' website indicates that
4 Plaintiff's inmate number is #1154343.² It is incorrectly listed on the docket as
5 #11543. The Clerk of Court will be directed to correct the inmate number.

6 **II. CONCLUSION**

7 For the foregoing reasons, it is ordered that the Court will dismiss this
8 case in 90 days if there is no motion to substitute filed pursuant to Federal Rule
9 of Civil Procedure 25(a)(1).

10 It is further ordered that the application to proceed *in forma pauperis*
11 (ECF No. 4) is denied as moot.

12 It is further ordered that Defendants' motion to vacate order setting
13 Inmate Early Mediation Conference (ECF No. 16) is granted. The mediation is
14 vacated.

15 The Clerk of Court is directed to **correct Plaintiff's inmate number** to
16 #1154343.

17 DATED: January 17, 2025.

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UNITED STATES DISTRICT JUDGE

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² <https://ofdsearch.doc.nv.gov/form.php>.